

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 976
98TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, April 30, 2015, with recommendation that the Senate Committee Substitute do pass.

2088S.06C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 210.003, 210.221, and 210.861, RSMo, and to enact in lieu thereof seven new sections relating to the protection of children.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 210.003, 210.221, and 210.861, RSMo, are repealed
2 and seven new sections enacted in lieu thereof, to be known as sections 192.390,
3 210.003, 210.118, 210.148, 210.221, 210.223, and 210.861, to read as follows:

192.390. 1. The department shall provide coverage, subject to
2 **state and federal appropriations, for the full cost of amino acid-based**
3 **elemental formulas, meaning formulas made from single nonallergenic**
4 **amino acids, for children under nineteen years of age with a medical**
5 **diagnosis of immunoglobulin E and nonimmunoglobulin E mediated**
6 **allergies to multiple food proteins, food protein-induced enterocolitis**
7 **syndrome, eosinophilic disorders, and impaired absorption of nutrients**
8 **caused by disorders affecting the absorptive surface, functional length,**
9 **and motility of the gastrointestinal tract. The department shall not**
10 **provide coverage for children who are already receiving coverage for**
11 **amino acid-based elemental formulas through MO HealthNet; the**
12 **women, infants, and children supplemental nutrition program; and the**
13 **children's health insurance program.**

14 **2. The department may promulgate rules and regulations to**
15 **implement the provisions of this section. Any rule or portion of a rule,**
16 **as that term is defined in section 536.010 that is created under the**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 authority delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter 536, and,
19 if applicable, section 536.028. This section and chapter 536 are
20 nonseverable and if any of the powers vested with the general assembly
21 pursuant to chapter 536, to review, to delay the effective date, or to
22 disapprove and annul a rule are subsequently held unconstitutional,
23 then the grant of rulemaking authority and any rule proposed or
24 adopted after August 28, 2015, shall be invalid and void.

210.003. 1. No child shall be permitted to enroll in or attend any public,
2 private or parochial day care center, preschool or nursery school caring for ten or
3 more children unless such child has been adequately immunized against
4 vaccine-preventable childhood illnesses specified by the department of health and
5 senior services in accordance with recommendations of the [Immunization
6 Practices Advisory Committee] **Centers for Disease Control and Prevention**
7 **Advisory Committee on Immunization Practices** (ACIP). The parent or
8 guardian of such child shall provide satisfactory evidence of the required
9 immunizations.

10 2. A child who has not completed all immunizations appropriate for his
11 age may enroll, if:

12 (1) Satisfactory evidence is produced that such child has begun the
13 process of immunization. The child may continue to attend as long as the
14 immunization process is being accomplished according to the ACIP/Missouri
15 department of health and senior services recommended schedule; or

16 (2) The parent or guardian has signed and placed on file with the day care
17 administrator a statement of exemption which may be either of the following:

18 (a) A medical exemption, by which a child shall be exempted from the
19 requirements of this section upon certification by a licensed physician that such
20 immunization would seriously endanger the child's health or life; or

21 (b) A parent or guardian exemption, by which a child shall be exempted
22 from the requirements of this section if one parent or guardian files a written
23 objection to immunization with the day care administrator. Exemptions shall be
24 accepted by the day care administrator when the necessary information as
25 determined by the department of health and senior services is filed with the day
26 care administrator by the parent or guardian. Exemption forms shall be provided
27 by the department of health and senior services.

28 3. In the event of an outbreak or suspected outbreak of a

29 vaccine-preventable disease within a particular facility, the administrator of the
30 facility shall follow the control measures instituted by the local health authority
31 or the department of health and senior services or both the local health authority
32 and the department of health and senior services, as established in Rule 19 CSR
33 20-20.040, "Measures for the Control of Communicable Diseases".

34 4. The administrator of each public, private or parochial day care center,
35 preschool or nursery school shall cause to be prepared a record of immunization
36 of every child enrolled in or attending a facility under his jurisdiction. An annual
37 summary report shall be made by January fifteenth showing the immunization
38 status of each child enrolled, using forms provided for this purpose by the
39 department of health and senior services. The immunization records shall be
40 available for review by department of health and senior services personnel upon
41 request.

42 5. For purposes of this section, satisfactory evidence of immunization
43 means a statement, certificate or record from a physician or other recognized
44 health facility or personnel, stating that the required immunizations have been
45 given to the child and verifying the type of vaccine and the month, day and year
46 of administration.

47 6. Nothing in this section shall preclude any political subdivision from
48 adopting more stringent rules regarding the immunization of preschool children.

49 **7. All public, private, and parochial day care centers, preschools,**
50 **and nursery schools shall notify the parent or guardian of each child**
51 **at the time of initial enrollment in or attendance at the facility that the**
52 **parent or guardian may request notice of whether there are children**
53 **currently enrolled in or attending the facility for whom an**
54 **immunization exemption has been filed. Beginning December 1, 2015,**
55 **all public, private, and parochial day care centers, preschools, and**
56 **nursery schools shall notify the parent or guardian of each child**
57 **currently enrolled in or attending the facility that the parent or**
58 **guardian may request notice of whether there are children currently**
59 **enrolled in or attending the facility for whom an immunization**
60 **exemption has been filed. Any public, private, or parochial day care**
61 **center, preschool, or nursery school shall notify the parent or guardian**
62 **of a child enrolled in or attending the facility, upon request, of whether**
63 **there are children currently enrolled in or attending the facility for**
64 **whom an immunization exemption has been filed.**

210.118. 1. In any action under chapter 210 or 211 in which the
2 court finds by a preponderance of the evidence that a party is
3 responsible for child abuse or neglect as those terms are defined in
4 section 210.110, the clerk shall send a certified copy of the judgment or
5 order to the children's division and to the appropriate prosecuting
6 attorney. Upon receipt of the order, the children's division shall list
7 the individual as a perpetrator of child abuse or neglect in the central
8 registry.

9 2. In every case in which the person has pled guilty or has been
10 found guilty of:

11 (1) A crime under section 565.020, 565.021, 565.023, 565.024,
12 565.050, 566.030, 566.060, or 567.050 and the victim is a child less than
13 eighteen years of age;

14 (2) Any other crime in chapter 566 if the victim is a child less
15 than eighteen years of age and the perpetrator is twenty-one years of
16 age or older;

17 (3) A crime under section 568.020, 568.030, 568.045, 568.050,
18 568.060, 568.080, 568.090, 573.025, or 573.035; or

19 (4) An attempt to commit any such crimes;

20 the court shall enter an order directing the children's division to list
21 the individual as a perpetrator of child abuse or neglect in the central
22 registry. The clerk shall send a certified copy of the order to the
23 children's division. Upon receipt of the order, the children's division
24 shall list the individual as a perpetrator of child abuse or neglect in the
25 central registry.

210.148. 1. Notwithstanding any provision of section 210.145 to
2 the contrary, upon the receipt of a report under section 210.145 where
3 the subject of the report is a juvenile with problem sexual behavior, the
4 division shall immediately communicate such report to the appropriate
5 local office along with any relevant information as may be contained in
6 the information system. Upon receipt of the report and relevant
7 information, the local office shall use a family assessment and services
8 approach, as described in subsection 14 of section 210.145 to respond
9 to the allegation contained in the report. For the purposes of family
10 assessments performed under this section, the alleged abuse does not
11 have to be committed by a person responsible for the care, custody, and
12 control of the child.

13 **2. Nothing in this section shall prohibit the local office from**
14 **commencing an investigation if the local office, at any point in using**
15 **the family assessment and services approach, determines that an**
16 **investigation is required. Such investigation shall comply with the**
17 **provisions of section 210.145 and may include requesting assistance**
18 **from the appropriate law enforcement agency.**

19 **3. As used in this section, the term "juvenile with problem sexual**
20 **behavior" shall mean any person, under fourteen years of age, who has**
21 **allegedly committed sexual abuse against another child.**

22 **4. Within one hundred eighty days after August 28, 2015, the**
23 **division shall promulgate rules to implement the provisions of this**
24 **section. Any rule or portion of a rule, as that term is defined in section**
25 **536.010 that is created under the authority delegated in this section**
26 **shall become effective only if it complies with and is subject to all of**
27 **the provisions of chapter 536, and, if applicable, section 536.028. This**
28 **section and chapter 536 are nonseverable and if any of the powers**
29 **vested with the general assembly pursuant to chapter 536, to review, to**
30 **delay the effective date, or to disapprove and annul a rule are**
31 **subsequently held unconstitutional, then the grant of rulemaking**
32 **authority and any rule proposed or adopted after August 28, 2015, shall**
33 **be invalid and void.**

210.221. 1. The department of health and senior services shall have the
2 following powers and duties:

3 (1) After inspection, to grant licenses to persons to operate child-care
4 facilities if satisfied as to the good character and intent of the applicant and that
5 such applicant is qualified and equipped to render care or service conducive to the
6 welfare of children, and to renew the same when expired. No license shall be
7 granted for a term exceeding two years. Each license shall specify the kind of
8 child-care services the licensee is authorized to perform, the number of children
9 that can be received or maintained, and their ages and sex;

10 (2) To inspect the conditions of the homes and other places in which the
11 applicant operates a child-care facility, inspect their books and records, premises
12 and children being served, examine their officers and agents, deny, suspend, place
13 on probation or revoke the license of such persons as fail to obey the provisions
14 of sections 210.201 to 210.245 or the rules and regulations made by the
15 department of health and senior services. The director also may revoke or

16 suspend a license when the licensee fails to renew or surrenders the license;

17 (3) To promulgate and issue rules and regulations the department deems
18 necessary or proper in order to establish standards of service and care to be
19 rendered by such licensees to children. No rule or regulation promulgated by the
20 division shall in any manner restrict or interfere with any religious instruction,
21 philosophies or ministries provided by the facility and shall not apply to facilities
22 operated by religious organizations which are not required to be licensed; [and]

23 (4) **To approve training concerning the safe sleep**
24 **recommendations of the American Academy of Pediatrics in accordance**
25 **with section 210.223; and**

26 (5) To determine what records shall be kept by such persons and the form
27 thereof, and the methods to be used in keeping such records, and to require
28 reports to be made to the department at regular intervals.

29 2. Any child-care facility may request a variance from a rule or regulation
30 promulgated pursuant to this section. The request for a variance shall be made
31 in writing to the department of health and senior services and shall include the
32 reasons the facility is requesting the variance. The department shall approve any
33 variance request that does not endanger the health or safety of the children
34 served by the facility. The burden of proof at any appeal of a disapproval of a
35 variance application shall be with the department of health and senior
36 services. Local inspectors may grant a variance, subject to approval by the
37 department of health and senior services.

38 3. The department shall deny, suspend, place on probation or revoke a
39 license if it receives official written notice that the local governing body has found
40 that license is prohibited by any local law related to the health and safety of
41 children. The department may, after inspection, find the licensure, denial of
42 licensure, suspension or revocation to be in the best interest of the state.

43 4. Any rule or portion of a rule, as that term is defined in section 536.010,
44 that is created under the authority delegated in sections 210.201 to 210.245 shall
45 become effective only if it complies with and is subject to all of the provisions of
46 chapter 536, and, if applicable, section 536.028. All rulemaking authority
47 delegated prior to August 28, 1999, is of no force and effect and
48 repealed. Nothing in this section shall be interpreted to repeal or affect the
49 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
50 with all applicable provisions of law. This section and chapter 536 are
51 nonseverable and if any of the powers vested with the general assembly pursuant

52 to chapter 536 to review, to delay the effective date or to disapprove and annul
53 a rule are subsequently held unconstitutional, then the grant of rulemaking
54 authority and any rule proposed or adopted after August 28, 1999, shall be
55 invalid and void.

210.223. 1. All licensed child care facilities that provide care for
2 children less than one year of age shall implement and maintain a
3 written safe sleep policy in accordance with the most recent safe sleep
4 recommendations of the American Academy of Pediatrics. The purpose
5 of the safe sleep policy is to maintain a safe sleep environment that
6 reduces the risk of sudden infant death syndrome and sudden
7 unexpected infant deaths in children less than one year of age.

8 2. If an infant requires alternative sleep positions or special
9 sleeping arrangements, the child care facility shall be provided with
10 written instructions, signed by the infant's licensed health care
11 provider, detailing the alternative sleep positions or special sleeping
12 arrangements for such infant. The child care facility shall put the
13 infant to sleep in accordance with such written instructions.

14 3. As used in this section, the following terms shall mean:

15 (1) "Sudden infant death syndrome", the sudden death of an
16 infant less than one year of age that cannot be explained after a
17 thorough investigation has been conducted, including a complete
18 autopsy, an examination of the death scene, and a review of the clinical
19 history;

20 (2) "Sudden unexpected infant death", the sudden and unexpected
21 death of an infant less than one year of age in which the manner and
22 cause of death are not immediately obvious prior to
23 investigation. Causes of sudden unexpected infant death include, but
24 are not limited to, metabolic disorders, hypothermia or hyperthermia,
25 neglect or homicide, poisoning, and accidental suffocation.

26 4. All employees of licensed child care facilities who care for
27 infants less than one year of age or any volunteer who may be assisting
28 at the facility shall successfully complete department-approved training
29 on the most recent safe sleep recommendations of the American
30 Academy of Pediatrics every three years.

31 5. The department shall promulgate rules to implement the
32 provisions of this section. Such rules shall include, but not be limited
33 to:

34 **(1) Amending any current rules which are not in compliance with**
35 **the most recent safe sleep recommendations of the American Academy**
36 **of Pediatrics;**

37 **(2) Keeping soft or loose bedding away from sleeping infants and**
38 **out of safe sleep environments including, but not limited to, bumper**
39 **pads, pillows, quilts, comforters, sleep positioning devices, sheepskins,**
40 **blankets, flat sheets, cloth diapers, bibs, and other similar items; and**

41 **(3) Prohibiting blankets or other soft or loose bedding from**
42 **being hung on the sides of cribs.**

43 **6. The department may adopt emergency rules to implement the**
44 **requirements of this section. Any rule or portion of a rule, as that term**
45 **is defined in section 536.010, that is created under the authority**
46 **delegated in this section shall become effective only if it complies with**
47 **and is subject to all of the provisions of chapter 536 and, if applicable,**
48 **section 536.028. This section and chapter 536 are nonseverable, and if**
49 **any of the powers vested with the general assembly pursuant to chapter**
50 **536 to review, to delay the effective date, or to disapprove and annul a**
51 **rule are subsequently held unconstitutional, then the grant of**
52 **rulemaking authority and any rule proposed or adopted after the**
53 **effective date of this section shall be invalid and void.**

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775
2 is established, the governing body of the city or county or city not within a county
3 shall appoint a board of directors consisting of nine members, who shall be
4 residents of the city or county or city not within a county. All board members
5 shall be appointed to serve for a term of three years, except that of the first board
6 appointed, three members shall be appointed for one-year terms, three members
7 for two-year terms and three members for three-year terms. Board members may
8 be reappointed. In a city not within a county, or any county of the first
9 classification with a charter form of government with a population not less than
10 nine hundred thousand inhabitants, or any county of the first classification with
11 a charter form of government with a population not less than two hundred
12 thousand inhabitants and not more than six hundred thousand inhabitants, or
13 any noncharter county of the first classification with a population not less than
14 one hundred seventy thousand and not more than two hundred thousand
15 inhabitants, or any noncharter county of the first classification with a population
16 not less than eighty thousand and not more than eighty-three thousand

17 inhabitants, or any third classification county with a population not less than
18 twenty-eight thousand and not more than thirty thousand inhabitants, or any
19 county of the third classification with a population not less than nineteen
20 thousand five hundred and not more than twenty thousand inhabitants the
21 members of the community mental health board of trustees appointed pursuant
22 to the provisions of sections 205.975 to 205.990 shall be the board members for
23 the community children's services fund. The directors shall not receive
24 compensation for their services, but may be reimbursed for their actual and
25 necessary expenses.

26 2. The board shall elect a chairman, vice chairman, treasurer, and such
27 other officers as it deems necessary for its membership. Before taking office, the
28 treasurer shall furnish a surety bond **or comparable insurance coverage for**
29 **theft, misappropriation, mismanagement, or other acts**, in an amount to
30 be determined and in a form to be approved by the board, for the faithful
31 performance of his or her duties and faithful accounting of all moneys that may
32 come into his or her hands. The treasurer shall enter into the surety bond **or**
33 **comparable insurance coverage** with a surety company **or insurer**
34 authorized to do business in Missouri, and the cost of such bond **or comparable**
35 **insurance coverage** shall be paid by the board of directors. The board shall
36 administer and expend all funds generated pursuant to section 210.860 or section
37 67.1775 in a manner consistent with this section. **The board shall not be**
38 **mandated to expend funds by an act of state legislation without a**
39 **majority vote of the county, excluding any county with a charter form**
40 **of government and with more than nine hundred fifty thousand**
41 **inhabitants, or city not within a county.**

42 3. The board may contract with public or not-for-profit agencies licensed
43 or certified where appropriate to provide qualified services and may place
44 conditions on the use of such funds. The board shall reserve the right to audit
45 the expenditure of any and all funds. The board and any agency with which the
46 board contracts may establish eligibility standards for the use of such funds and
47 the receipt of services. No member of the board shall serve on the governing
48 body, have any financial interest in, or be employed by any agency which is a
49 recipient of funds generated pursuant to section 210.860 or section 67.1775.

50 4. Revenues collected and deposited in the community children's services
51 fund may be expended for the purchase of the following services:

52 (1) Up to thirty days of temporary shelter for abused, neglected, runaway,

53 homeless or emotionally disturbed youth; respite care services; and services to
54 unwed mothers;

55 (2) Outpatient chemical dependency and psychiatric treatment programs;
56 counseling and related services as a part of transitional living programs;
57 home-based and community-based family intervention programs; unmarried
58 parent services; crisis intervention services, inclusive of telephone hotlines; and
59 prevention programs which promote healthy lifestyles among children and youth
60 and strengthen families;

61 (3) Individual, group, or family professional counseling and therapy
62 services; psychological evaluations; and mental health screenings.

63 5. **Any county, excluding any county with a charter form of**
64 **government and with more than nine hundred fifty thousand**
65 **inhabitants, or city not within a county in which voters have approved**
66 **the levy of a tax under section 67.1775 or section 210.860 shall not add**
67 **services in addition to those which are set forth in subsection 4 of this**
68 **section at the time such levy is approved by the voters, unless such**
69 **services authorized by statute after the voters have approved the levy**
70 **are approved by the voters in the same manner as the original levy was**
71 **approved. A proposal to add services shall be approved as set forth in**
72 **section 67.1775 or section 210.860.**

73 6. Revenues collected and deposited in the community children's services
74 fund may not be expended for inpatient medical, psychiatric, and chemical
75 dependency services, or for transportation services.

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